



2300 Lake Elmo Drive  
Billings MT 59105

January 13, 2003

TO: Environmental Quality Council  
Director's Office, Dept. of Environmental Quality  
Montana Fish, Wildlife & Parks

Director's Office	Lands Section
Parks Division	Design & Construction
Fisheries Division	Legal Unit
Wildlife Division	Regional Supervisors

Montana Historical Society, State Preservation Office  
Janet Ellis, Montana Audubon Council  
Montana Wildlife Federation  
Montana State Library  
George Ochenski  
Montana Environmental Information Center  
Wayne Hirst, Montana State Parks Foundation  
Representative Bob Raney  
Bob Harrington, DNRC Area Manager, Southern Land Office  
Other Local Interested People or Groups

Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared for development to Duck Creek Fishing Access Site, and is submitted for your consideration. Improvements will include an entrance road, gate, 17 parking spaces, concrete boat ramp, and vault toilet. Questions and comments will be accepted until January 31, 2003.

If you have questions or need additional copies of the draft EA, please contact Montana Fish, Wildlife & Parks at 247-2940. All comments may be sent to the Parks Operation Supervisor, Terri Walters at Fish, Wildlife & Parks, 2300 Lake Elmo Drive, Billings, MT 59105, or e-mails can be sent to [twalters@state.mt.us](mailto:twalters@state.mt.us).

Thank you for your interest.

Sincerely,

Harvey E. Nyberg  
Regional Supervisor

# MEPA COMPLIANCE

## **PART I. PROPOSED ACTION DESCRIPTION**

**1. Type of Proposed Action**

Development   x  

Renovation           

Maintenance           

Land Acquisition           

Equipment Acquisition           

Other (Describe)           

**2. Name of Project**

Duck Creek Fishing Access Site visitor facilities

**3. Name, Address and Phone Number of Project Sponsor**

Fish, Wildlife & Parks  
Region 5  
2300 Lake Elmo Drive  
Billings, MT 59105  
(406) 247-2955

**4. If Applicable:**

Estimated Construction/Commencement Date April 1, 2003

Estimated Completion Date August 1, 2003

Current Status of Project Design (100% complete)

**5. Location Affected by Proposed Action (county, range and township)**

Yellowstone County, T2S, R25E, Section 4, portion of Government Lot 10 north of River Road and west of Duck Creek Road.

**6. Project Size: Estimate the number of acres that would be directly affected that are currently:**

- |                             |                          |
|-----------------------------|--------------------------|
| (a) Developed:              | (d) Floodplain.....      |
| residential..... acres      | acres                    |
| industrial ..... acres      | (e) Productive:          |
| (b) Open Space/Woodlands/   | irrigated cropland ..... |
| Recreation..... acres       | dry cropland..... acres  |
| (c) Wetlands/Riparian       | forestry .....           |
| Areas..... <u>1.5</u> acres | rangeland .....          |
|                             | other .....              |

**6. Map/site plan:**

See attached maps and aerial photo.

**7. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action.**

Duck Creek FAS has been owned and operated by the Department since 1999. The site is located 7.5 miles downstream from Riverside Park boat ramp in Laurel, and 13.6 miles upstream from the East Bridge FAS in Billings. It is estimated that approximately 4,000 anglers, 2,000 boaters, and 1,000 swimmers use the access annually. The property is about five (5) miles from either Laurel or Billings and is easily accessible by turning from the frontage road east onto Duck Creek Road.

Currently the site offers a small dirt parking area with a walk through gate. The parking lot is often muddy and rutted, at best it can serve six vehicles. There are currently no resources provided at the site for boaters, nor are there any sanitation facilities.

Development would include an entrance road, 17 parking spaces, a concrete boat ramp, fencing, pipe gate (available for closure), signage, barrier rocks and a vault toilet. This project will improve access to a heavily used site. Any direct, public access to the Yellowstone River in the Billings vicinity is valuable and desired. The boat ramp will allow boaters to access the river in a safer and more environmentally friendly manner, it will also allow for shorter floats between Laurel and Billings. The road, barriers, signs and fencing will protect the resources and provide for a more pleasant atmosphere. The vault toilet will provide a necessary sanitary alternative to the bushes.

**8. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a comparison of the alternatives with the proposed**

**action/preferred alternative:**

**No Action Alternative:** If no improvements are made to the site it will continue to have valuable potential that is not reached, and further deterioration of the site would be expected. Access will continue to be difficult, thus use will be at a lower level than desired.

**Project as Proposed:** Our preferred alternative. This would provide a wide range of services. The Yellowstone River will be more accessible to boaters and other receptionists in the heavily populated vicinity of Billings. With the improvements completed it would also be a safer more user-friendly site. The restroom would provide a more sanitary environment. The improvements at Duck Creek FAS will enable Fish, Wildlife & Parks to better manage the site, protect the sites resources, and this in turn will allow for better relations with neighbors.

**9. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.**

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
U.S. Army Corp of Engineers 1629 Ave. D Building A Billings, MT 59102	404 Clean Water Act Federal Rivers & Harbors Act	
DNRC 1371 Rimtop Dr. Billings, MT 59105	MT Land Use License Easement on Navigable Waters	
DEQ PO 200901 Helena, MT 59620-0901	Short-term Exemption from Montana's Surface Water Quality Standards	
Yellowstone Co. Emergency & General Services PO Box 35004 Billings, MT 59107-5004	MT Floodplain & Floodway Mngt. Act	

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
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(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
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**10. List of agencies consulted during preparation of the MEPA Checklist:**

State Historic Preservation Office  
Montana Historical Society  
1410 8<sup>th</sup> Avenue

Helena, MT 59620

## PART II. MEPA CHECKLIST

### PHYSICAL ENVIRONMENT

1. LAND RESOURCES  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?			X			
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X			
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. Minor changes will be made due to the installation of the road, fences, vault toilet and the boat ramp.

1b. Minor changes will take place during construction. The disturbed ground will be reseeded following construction so that minimal erosion takes place.

## PHYSICAL ENVIRONMENT

2. AIR  Will the proposed action result in:	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))			X			
b. Creation of objectionable odors?			X			
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-I projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

2a. Air pollutants may temporarily be emitted during construction. This activity will cease upon completion of site improvements.

2b. The vault toilet may emit occasional odors. Proper maintenance will keep this at a minimum.

## PHYSICAL ENVIRONMENT

3. <u>WATER</u>  <b>Will the proposed action result in:</b>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X			
b. Changes in drainage patterns or the rate and amount of surface runoff?			X			
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-I, will the project affect a designated floodplain? (Also see 3c)		X				
m. For P-R/D-I, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)			X			
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

3a & m. A temporary increase in turbidity is expected during construction of the boat ramp. A short-term exemption from Montana's Surface Water Quality Standards will be requested from the Department of Environmental Quality.

3b. During construction of the boat ramp run off patterns may be impacted. There will be no long term changes.



## PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X*				
f. For P-R/D-I, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 4a. Construction of the roadway and parking area will eliminate natural grasses and vegetation in that area. Barriers and fence will be installed to eliminate off road vehicle use. This will protect the resources from being damaged by irresponsible users.
- 4e. Yellowstone County is currently contracted to control weeds at this site, this will continue following completion of the project. During 1999 FWP began chemically controlling noxious weeds at this site, initially costs were high (\$1150) in order to properly control the problem. Currently the cost is approximately \$275 per year, this is adequate to maintain the site at its current level. Noxious weeds treated at the site are leafy spurge, spotted knapweed, Canadian thistle, field bindweed, houndstongue and white top.

## PHYSICAL ENVIRONMENT

5. FISH/WILDLIFE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of non-game species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-I, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)			X			
i. For P-R/D-I, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 5h. In the project site and the surrounding areas of potential impact, no T & E species are known to exist other than the bald eagle. No critical eagle habitat or nest sites are known to be within the impact area. While bald eagles are regularly seen in the area, their presence is transitory and the level of disturbance by recreationists is likely to be of no significance.

**HUMAN ENVIRONMENT**

6. <u>NOISE/ELECTRICAL EFFECTS</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Increases in existing noise levels?		X				
b. Exposure of people to severe or nuisance noise levels?			X			
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed).

- 6b. During construction the use of equipment may create noise. This should cease following completion of the project. There will an increase in traffic due to the improvements, however this will be controlled by providing a limited number of parking sites.

**HUMAN ENVIRONMENT**

7. <u>LAND USE</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: _____		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

**HUMAN ENVIRONMENT**

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?				X		
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-I, will any chemical toxicants be used? (Also see 8a)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8b. This site will provide a new launch for river search and rescue.

**HUMAN ENVIRONMENT**

9. <u>COMMUNITY IMPACT</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X			
f. Other: Inappropriate use		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9f. The site will be developed with a lockable gate that will enable FWP to close the majority of the fishing access if the need arises. Our goal will be maximization of recreational access and community relations while minimizing illegal activity or harmful.

## HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: _____			X			
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.			X			
g. Other: _____		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 10a. The site is currently managed in a primitive undeveloped fashion. Although use is expected to increase, development of the site will allow for more efficient and effective maintenance.
- 10f. Costs will be minor. It will cost approximately \$500 per year to maintain the site. This will include maintaining the vault toilet and general site cleanup, including weed control, boat ramp and road maintenance. FWP currently patrols and maintains the site. Other than pumping the vault toilet no other major additional maintenance costs are anticipated.

**HUMAN ENVIRONMENT**

11. <u>AESTHETICS/RECREATION</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)				X		
d. For P-R/D-I, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 11c. Access to the site will be improved. The site improvements will promote recreation along the Yellowstone River in a sanitary, aesthetically-pleasing environment. Both motorized and non-motorized boaters will have better access to the river with the addition of a trailer-friendly boat ramp.

**HUMAN ENVIRONMENT**

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action result in:						
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				X
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-I, will the project affect historic or cultural resources? <b>Attach SHPO letter of clearance.</b> (Also see 12.a)		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 12a. See attached SHPPO consultation letter.

## HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				
g. For P-R/D-I, list any federal or state permits required.		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Name, title, address and telephone number of the person(s) responsible for preparing this MEPA Checklist.

Terri Walters  
 Park Operations Supervisor  
 Fish, Wildlife & Parks  
 2300 Lake Elmo Drive  
 Billings, MT 59105  
 (406)247-2955

## **PART III      MEPA CONCLUSION SECTION**

This proposed project conforms to the Fisheries Program goals as spelled out in the Montana, Fish, Wildlife & Parks Six Year Plan Program Highlights 2001-2006. Specifically, to Enhance Fishing Access & Opportunities, easy and inviting access to Montana's fisheries is key to maintaining today's recreational opportunities and creating tomorrow's new anglers.

The boat ramp would supply a needed access to the Yellowstone River. It is in a good intermediate location, lying 13 miles from Buffalo Mirage FAS, 8 miles from Laurel and 13 miles from East Bridge FAS. This launch site will improve boating safety and the potential for search and rescue operations. It is anticipated that it will get a great deal of use, located in Yellowstone County and intermediate between Laurel and Billings. The Lewis and Clark Bicentennial will bring a significant number of non-resident floaters as well. The Big Sky Powerboat Association supports this location as a boat launch. Although this FAS is not part of the direct channel of the Yellowstone River, the ramp will be accessible to motorized boaters during normal flows and to non-motorized floaters at all levels. The Yellowstone River channels change periodically, it is impossible to determine the long range physical access to any part of the river, and so any access points have great value.

No significant impacts were identified in this assessment. Several minor impacts are expected to have positive impacts, such as additional recreational opportunities, and providing an additional access point for emergency take outs, and for emergency response units. The negative minor impacts revolve around concerns associated with increased numbers of people in a concentrated area: increased traffic, noise levels, and potential effects to wildlife.